

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

UNITED STATES OF AMERICA	:	1:09CR190-4
	:	
v.	:	
	:	
MARCUS DEWAYNE PYLES	:	AMENDED FACTUAL BASIS

NOW COMES the United States of America, by and through Anna Mills Wagoner, United States Attorney for the Middle District of North Carolina, and as a factual basis under Rule 11, Fed. R. Crim. P., states the following:

On February 17, 2009, at about 10:28 a.m., two men entered Consumer Finance/Payday Cash Loans at 119 S. Van Buren Rd., Eden, North Carolina, stating they wanted to cash a tax refund check. Several employees and customers were present. One of the men produced a handgun and demanded cash. The pair appeared to assume that, as the business cashed checks, there would be cash on hand. One suspect kept his hand in his jacket, as if holding a gun. The robbers ordered the employees and customers to get on the floor. One robber struck employee George Wilson on the head with a handgun and stole his driver's license. Wilson's injuries required medical treatment. The pair asked that the company safe be opened. The safe was empty. The robbers then stole \$600 from the business, \$255 from employee Howard Jenkins, and \$150 from customer Dawn Pulliam. Consumer Finance/Payday Cash Loans had no video surveillance system, but nearby businesses did have such

equipment. At Eden Drug, cameras captured the image of another male who entered the drugstore at the time of the robbery. A Rite-Aid exterior store camera captured the image of two men walking to, then from, the business that was robbed. An employee of Rite-Aid told police that two black males had backed their car into a parking space and raised the hood, as if they were working on the car, at the time of the robbery. The car appeared to be a white Chevrolet Beretta.

Six days later, two men had entered Lane Jewelers store in Burlington, which was equipped with prominent video surveillance cameras that captured high-quality images of both suspects. It appeared that the two men saw the cameras, chose not to rob that store, but instead went approximately one block away to Eden Jewelry of Burlington. Eden Jewelry was robbed at approximately 10:28 a.m. on February 23, 2009, when the two men forced three employees and one customer into a store bathroom at gunpoint before stealing cash and jewelry. No one was injured in the robbery. The images of the two men from the Lane Jewelers were released to the media and appeared on television, newspapers and the internet. Later, police were able to identify the suspects as MARCUS DEWAYNE PYLES and ANTOINE LANIER HALL. PYLES was located, Mirandized, and interviewed by police. PYLES admitted that it was his image caught on surveillance in Burlington. PYLES denied having a gun, but said that HALL did have a gun.

PYLES said that HALL's gun was a black and silver 9mm, with a faulty firing pin and no magazine. PYLES said he determined the gun was faulty because he handled it himself. PYLES admitted receiving \$100 in robbery proceeds, and riding with the other men back to Danville, Virginia. PYLES said he thought the robbery was HALL'S idea.

Eden Police followed up on their robbery investigation by conducting a photo array to see if victims could identify suspects from the Burlington jewelry store robbery. Victim George Wilson identified HALL with absolute certainty as the person that struck him in the head with a gun. Wilson identified PYLES with near-100% certainty as the other suspect. Victim Tim Jenkins also selected PYLES and HALL, in a photo array, but with a lower level of certainty.

HALL was then located, Mirandized and interviewed by police. He admitted his involvement in the robberies. Like PYLES, he denied having a gun and claimed the other suspect had a gun. HALL was shown a surveillance photo of two men walking near the robbery scene, and he identified himself and PYLES as the men shown in the photograph. HALL said that they arrived at each robbery location in a white car driven by a man they called, "New Jersey" (later identified as ANTHONY EUGENE BARNES). HALL said that both robberies were planned by KEITH ORBIE JAMES, and that JAMES accompanied HALL, PYLES, and BARNES in the car driven by

BARNES to the first robbery. This corresponds to witnesses seeing two men parked at a Rite-Aid drug store in Eden during the first robbery. HALL said the four each received about \$250 from the robbery, and that victim George Wilson's license was taken because, as HALL saw on TV shows and movies, "so the guy would know you know where they live."

Police next located and arrest ANTHONY EUGENE BARNES, the driver in the first robbery. In a 2-1/2 hour videotaped statement, BARNES at first denied, then admitted his role in the first robbery. BARNES said that Keith James organized a group to rob the business in Eden. BARNES admitted that a gun was used, and that he received \$110 from the robbery.

Due to the robbery of Consumer Finance/Payday Cash Loans of Eden, North Carolina, items moving in interstate commerce were actually or potentially delayed, obstructed, or affected, in that the business had to temporarily close, and approximately 25% of the business's customers were from the Commonwealth of Virginia, cashing instruments in one state that had been issued in another state.

Due to the robbery of Eden Jewelry of Burlington, items moving in interstate commerce were actually or potentially delayed, obstructed, or affected, in that the majority of the store's inventory came from vendors outside of North Carolina, specifically, from New York, Illinois, Connecticut, and Ohio.

Additionally, some of the items stolen from Eden Jewelry of Burlington were later recovered in Virginia.

This the 5th day of August, 2009.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on August 5, 2009, the foregoing was electronically filed with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

George E. Crump, III, Esq.

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